

NOTICE OF PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Agency Information

- Agency: Insurance - Administration
Room no.: 3110
Building: STATE OFFICE BLDG
Street address 1: 450 N MAIN ST
Street address 2:
City, state, zip: SALT LAKE CITY UT 84114-1201
Mailing address 1: PO BOX 146901
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-6901

Contact person(s):

Name: Phone: Fax: E-mail:

Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 34896 Date filed: 06/01/2011 04:00 PM
State Admin Rule Filing Key: 151143
Utah Admin. Code ref. (R no.): R 590 - 149 -
Changed to Admin. Code ref. (R no.): - -

Title

- Title of rule or section (catchline):
ADA Complaint Procedure Rule.

Notice Type

- Type of notice: Amendment

Rule Purpose

- Purpose of the rule or reason for the change:
This rule is being amended to comply with changes made in the federal Americans with Disability Act Amendments Act (ADAAA) that went into effect 1/1/2009 and to eliminate the reference in the rule to the "ADA State Coordinating Committee" which has not functioned for about nine years.

Response Information

- This change is a response to comments by the Administrative Rules Review Committee.
No

Rule Summary

- Summary of the rule or change:

Changes being made to the rule include: addition of 31A-2-201 to the Authority Section; updating reference to ADAAA; addition of definitions for Department, Designee, Director and the elimination of a definition for ADA State Coordinating Committee; Time requirements have been increased for the filing of a complaint after the violation 60-90 days, for filing of an appeal 5-10 working days; final decision on an appeal 10-15 working days; "individual" is changed to "complainant"; requires ADA coordinator or designee to reduce complaints to writing if filed otherwise; ADA records specifically classified under the Government Records Access and Management Act (GRAMA); ADA coordinator or designee are to consult with named state agencies before making recommendations in certain cases; and Allows insurance commissioner to name a designee to assist in the appeal process.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

Changes to the rule are for clarification purposes mainly and will allow more time to file a complaint, an appeal, and a final decision on an appeal. These changes will not affect department or state revenues or costs, nor the department's workload.

B) Local government:

Affected: No

The rule itself relates solely to the Insurance Department requiring that no individual be excluded from participation in or be denied the benefits of the services, programs or activities of the department or be subjected to discrimination by the department because of a disability.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

Changes to the rule are for clarification purposes mainly and will allow more time for individuals to file a complaint and an appeal with the department, and also gives the department more time to give a final decision on an appeal. These changes are a matter of procedure and should create no financial impact.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Changes to the rule are for clarification purposes mainly and will allow more time for individuals, either representing themselves, or a business or government entity, to file a complaint and an appeal with the department, and also gives the department more time to give a final decision on an appeal. These changes are a matter of procedure and should create no financial impact.

Compliance Cost Information

8. Compliance costs for affected persons:

Changes to the rule are for clarification purposes mainly and will allow more time for individuals, either representing themselves, or a business or government entity, to file a complaint and an appeal with the department, and also gives the department more time to give a final decision on an appeal. These changes are a matter of procedure and should create no financial impact.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This rule should have not fiscal impact on anyone who complies with the changes.

B) Name and title of department head commenting on the fiscal impacts:

Neal T. Gooch, Insurance Commissioner

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal

laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :
31A-2-201

63G-3-201

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

<p>Official Title of Materials Incorporated (from title page):</p> <p>Publisher:</p> <p>Date Issued:</p> <p>Issue, or version:</p> <p>ISBN Number:</p> <p>ISSN Number:</p> <p>Cost of Incorporated Reference:</p> <p>Adds, updates, removes:</p>
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Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
- A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 07/15/2011
- B) A public hearing (optional) will be held:
- On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 07/22/2011
- NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
- insurance ada

File Information

15. Attach an RTF document containing the text of this rule change (filename):
- There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:

Jilene Whitby Information
Specialist

Date (mm/dd/yyyy): 06/01/2011